

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Licensing and Registration

RULE TITLE OR SUBJECT: Chapter 13, Uniform Rule for the Substantiation of Continuing Education Requirements

PROPOSED RULE NUMBER:

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE):

CONCISE SUMMARY (UNDERSTANDABLE BY AVERAGE CITIZEN): The rule establishes uniform requirements for the substantiation of continuing education requirements. Currently, licensing programs that require completion of continuing education activities as a condition of license renewal expend significant resources to review all submissions of continuing education documentations. As the overall licensee pool increases without corresponding increases in state resources, the function of reviewing and verifying compliance with continuing education requirements has become unwieldy. This rule institutes an audit procedure whereby applicants for license renewal will certify to completion of continuing education requirements. Subsequent to renewal, licensees will be selected at random for a continuing education audit. In addition, an individual licensee may be selected for an audit as part of an investigation or if there is reasonable cause to believe the licensee has provided a false certification concerning the completion of continuing education requirements. A finding of non-compliance with the continuing education requirement would then be addressed by the regulatory authority. This rule does not alter or amend a licensing board's authority to require or approve continuing education activities or to establish the number and nature of continuing education hours required for renewal.

THIS RULE WILL ☐ **WILL NOT** ☒ **HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

STATUTORY AUTHORITY 10 MRSA §8003(2-A)(E)

PUBLIC HEARING):

(IF ANY, GIVE DATE, TIME, LOCATION)

July 31, 2003, 1:30 p.m., Kennebec Room, Department of Professional and Financial Regulation, 122 Northern Avenue, Gardiner, ME

DEADLINE FOR COMMENTS: August 11, 2003

AGENCY CONTACT PERSON: Anne L. Head, Director

AGENCY NAME: Office of Licensing and Registration

ADDRESS: 35 State House Station, Augusta, ME 04333

TELEPHONE: 624-8633

**PROPOSED RULE
JUNE 30, 2003**

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL
 REGULATION**

041 OFFICE OF LICENSING AND REGISTRATION

**CHAPTER 13 - UNIFORM RULE FOR THE SUBSTANTIATION OF
CONTINUING EDUCATION REQUIREMENTS**

Summary: This chapter establishes the substantiation of continuing education requirements for professional and occupational licenses and registrations issued by the Office of Licensing and Registration.

Section 1. Applicability

This chapter applies to all boards and regulatory functions within the Office of Licensing and Registration that require licensees to complete continuing education as a prerequisite to license renewal. This Chapter does not affect a board's authority to require or approve continuing education activities or to establish the number and nature of continuing education hours required for renewal.

Section 2. Certification of continuing education for renewal

At the time of application for renewal, each licensee must certify, on a form provided by the Office of Licensing and Registration, the number of continuing education hours completed during the preceding license term or during the continuing education period established in statute or by board rule. No additional information or continuing education documentation is required to be submitted at the time of renewal. However, the licensee must retain documentation of all continuing education activities as described in section 4 of this chapter.

Section 3. Verification of compliance by audit

Applicants for license renewal will be selected by the licensing board on a random basis for audit of continuing education compliance. In addition, an

individual licensee may be selected for an audit as part of an investigation or if there is reasonable cause to believe the licensee has provided a false certification concerning the completion of continuing education requirements. An audit may review the last two continuing education certifications submitted by the licensee.

Licensees selected for audit will be notified to submit documentation of the continuing education activities that were certified by the licensee at the time of renewal. Continuing education hours that cannot be documented in accordance with the documentation requirements determined by the licensing board or that do not satisfy the criteria for continuing education contained in statute or board rule will be disallowed.

Section 4. Retention of Documentation

The licensee shall retain documentation of continuing education activities included in the most recent two continuing education certifications submitted by the licensee, including the current renewal period.

STATUTORY AUTHORITY: 10 MRSA § 8003(2A)(E)

EFFECTIVE DATE: